

EXHIBIT A

Hwang, Joon

From: Gatling, Yvette V.
Sent: Friday, May 11, 2018 4:01 PM
To: Thomas Strelka; Hwang, Joon; Leigh Strelka
Cc: Winston West; Figueroa, Tracy A.
Subject: RE: Hairston | 26f

Hi Tommy,

Our provision is as follows:

The parties discussed the types of electronically-stored information that may be discoverable and the form(s) in which that information may be available and produced. The parties do not expect there to be significant electronic discovery in this case and have agreed to discuss, in good faith, the relevancy, availability, and retrieval of electronically-stored information as necessary throughout the discovery period. When properly requested in discovery or otherwise required to be produced pursuant to the Rules, electronically stored discoverable information shall be provided to the opposing party either by email, by providing the opposing party with a CD-ROM, DVD, and USB containing the electronically stored data in PDF format, or by printing the material and then faxing or mailing it to the demanding party.

Additionally, as we are planning to leave the office shortly, we will need to file the Rule 26(f) in the next few minutes. Let us know your decision.

Yvette V. Gatling, Shareholder
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From: Thomas Strelka [<mailto:Thomas@Strelkalaw.com>]
Sent: Friday, May 11, 2018 3:56 PM
To: Gatling, Yvette V.; Hwang, Joon; Leigh Strelka
Cc: Winston West; Figueroa, Tracy A.
Subject: RE: Hairston | 26f

Yvette,

"We agreed that we should have a provision regarding ESI in the report, but disagreed regarding the contents of the provision you suggested."

Love to take a look at your version of a provision regarding ESI. Interested to read it.

Best,

Tommy

Thomas E. Strelka
{ [INCLUDEPICTURE "cid:image003.jpg@01D3E941.40E175E0" * MERGEFORMATINET](#) }
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From: Gatling, Yvette V. <YGatling@littler.com>
Sent: Friday, May 11, 2018 3:10 PM
To: Thomas Strelka <Thomas@Strelkalaw.com>; Hwang, Joon <JHwang@littler.com>; Leigh Strelka <Leigh@Strelkalaw.com>
Cc: Winston West <winston@Strelkalaw.com>; Figueroa, Tracy A. <TFigueroa@littler.com>
Subject: RE: Hairston | 26f

Tommy,

I disagree with the assertion in your email below. We agreed that we should have a provision regarding ESI in the report, but disagreed regarding the contents of the provision you suggested.

We confirmed that RBP and Westlake received your letter requesting that they preserve ESI. There is no reason to believe or suggest that RBP did not preserve relevant ESI. We are not aware of relevant ESI due to the nature of workplace. You have not identified any ESI that you know of in this case other than one text message.

Contrary to your request below and what you contend are our obligations, you have not told us what Mr. Hairston has done to preserve ESI. You have not told us about any ESI that your client knows exists. If you know of any additional ESI in existence, please share this information with us.

We would like to comply with the court's rules, and file a joint report. If you would like to comply with the court's rules and file a joint report, please let us know. It is common to file a joint report and not agree on every single word in a report, e.g., a joint pretrial order, joint jury instructions, etc. We are willing and prepared to file a joint report stating each party's positions. Please let me know if you would like to discuss this as I am in the office this afternoon.

Very truly yours,

Yvette V. Gatling, Shareholder
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From: Thomas Strelka [{ HYPERLINK "mailto:Thomas@Strelkalaw.com" }]
Sent: Friday, May 11, 2018 2:47 PM
To: Gatling, Yvette V.; Hwang, Joon; Leigh Strelka
Cc: Winston West; Figueroa, Tracy A.
Subject: RE: Hairston | 26f

Yvette,

As you mentioned on the phone, I think we have to agree to disagree at this point. During our discussion you mentioned that you did not feel that there would be any ESI in this matter, did not detail any preservation methods, nor did you want for there to be any provision regarding ESI in the 26(f) report. We disagree that the Defendant has fulfilled its obligations as ESI is a major component of these cases particularly in this matter as our client knows there to be relevant ESI in existence. We will be filing our last redlined version of the 26f report along with a letter indicating that we could not come to an understanding despite best efforts.

Best,

Tommy

Thomas E. Strelka

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From: Gatling, Yvette V. <{ HYPERLINK "mailto:YGatling@littler.com" }>

Sent: Friday, May 11, 2018 11:47 AM

To: Thomas Strelka <{ HYPERLINK "mailto:Thomas@Strelkalaw.com" }>; Hwang, Joon <{ HYPERLINK "mailto:JHwang@littler.com" }>; Leigh Strelka <{ HYPERLINK "mailto:Leigh@Strelkalaw.com" }>

Cc: Winston West <{ HYPERLINK "mailto:winston@Strelkalaw.com" }>; Figueroa, Tracy A. <{ HYPERLINK "mailto:T Figueroa@littler.com" }>

Subject: RE: Hairston | 26f

Hi Tommy,

Thank you for your email. We have discussed ESI with you, and are available to discuss it with you further this afternoon. We have complied with our obligations under the rules. We do not agree with the stipulations that you want us to place in the Rule 26(f) plan. Rule 26(f) does not require us to agree with the stipulations that you suggest in your proposed plan.

We discussed our obligations to preserve and produce ESI. Our proposal agrees to production methods as required by Fed. R. Civ. P. 34. We are not required to agree. We considered your proposal and discussed it. Let me know if you would like to discuss it any further as you may contact me at my office number below.

Yvette V. Gatling, Shareholder

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From: Thomas Strelka [{ HYPERLINK "mailto:Thomas@Strelkalaw.com" }]

Sent: Friday, May 11, 2018 11:42 AM

To: Hwang, Joon; Leigh Strelka

Cc: Winston West; Gatling, Yvette V.; Figueroa, Tracy A.

Subject: Hairston | 26f

Joon and Yvette,

We have reviewed the revised plan and we are not comfortable with this version. We believe that the Defendant has an obligation to consider and discuss ESI issues during the Rule 26(f) Conference and include agreements related to ESI production in the Rule 26(f) plan. Rule 26(f) requires parties to meet and confer about "any issues about preserving discoverable information." Rule 26(f)(3)(C) specifically contemplates any issues surrounding ESI be included in the Discovery Plan. *See Victor Stanley, Inc. v. Creative Pipe, Inc.*, 269 F.R.D. 497, 519-20 (D. Md. 2010) (discussing parties' obligation to discuss ESI preservation and production during Rule 26(f) conference); Cmts. to 2006 Amendments of Rule 26. The Western District of Virginia, among other courts, endorse the Sedona Conference guidelines regarding the discussion of ESI preservation and production during the Rule 26(f) conference. *See Hanwha Azdel, Inc. v. C&D Zodiac, Inc.*, Civil Action No. 6:12-cv-0023, 2015 U.S. Dist. LEXIS 39329, at *20-*21 (W.D. Va. Feb. 18, 2015) (Ballou, J). The Sedona Conference counsels that the parties agree to ESI production and preservation methods during the Rule 26(f) conference in order to avoid Court intervention in discovery disputes. *See* 18 Sedona Conference J. 152-53. If you are not willing to have these discussions during our Rule 26(f) conference then we will have to plan to have these discussions with Judge Sargent on Monday, which is certain to make her unhappy with all of us. We would ask that you reconsider your refusal to have a robust discussion and come to some agreements on ESI within the context of the Rule 26(f) Plan. Now is the time, not later.

Best,

Tommy

Thomas E. Strelka

{ INCLUDEPICTURE "cid:image003.jpg@01D3E941.40E175E0" * MERGEFORMATINET }

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From: Hwang, Joon <{ HYPERLINK "mailto:JHwang@littler.com" }>

Sent: Friday, May 11, 2018 11:19 AM

To: Leigh Strelka <{ HYPERLINK "mailto:Leigh@Strelkalaw.com" }>; Thomas Strelka <{ HYPERLINK "mailto:Thomas@Strelkalaw.com" }>

Cc: Winston West <{ HYPERLINK "mailto:winston@Strelkalaw.com" }>; Gatling, Yvette V. <{ HYPERLINK "mailto:YGatling@littler.com" }>; Figueroa, Tracy A. <{ HYPERLINK "mailto:TFigueroa@littler.com" }>

Subject: HAIRSTON - Scheduling of Plaintiff's Deposition

Hi Leigh and Tommy –

We are looking to schedule Mr. Hairston's deposition the week of June 18th or 25th. Can you kindly let us know of his availability during these weeks so that we can issue the deposition notice? Many thanks, and let us know if you have any questions.

Kind regards,

Joon

Joon Hwang, Attorney at Law

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